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FINANCIAL SECRETARIAT.

RULES REGULATING SALES OF EXCISE PRIVILEGES.

No. Fl. 5515—*Ex.* 78-29-2, *dated* 17*th February* 1930.

Under sections 16 and 29 of the Mysore Excise Regulation, V of 1901, as amended from time to time and also section 5 of the Opium Act, I of 1878, and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to frame the following rules to regulate the disposal of the privilege of retail vend of intoxicating liquors and drugs, in supersession of Notification No. Fl. 6837—Ex. 82-28-4, dated 5th March 1929.

SECTION I.

I.—PROCEDURE REGARDING DISPOSAL.

1. The privilege of retail vend of excisable articles shall be disposed of either by auction or by such other method as may be notified by Government.

2. In cases where the right of retail vend is permitted by Government to be disposed of by calling for tenders, a notification calling for the same shall be published by the Excise Commissioner in three successive issues of the *Mysore Gazette*, after obtaining the previous approval of the Government therefor.

3. In cases where the privilege of retail vend is permitted to be disposed of by auction, the Excise Commissioner will issue every year (or on such other occasions as may be fixed by the Government) a notification, both in English and in Kannada, giving such further instructions and conditions as may be required to supplement those herein contained to regulate the sales, with a statement showing the time and places of sale.

Even in cases where a notification has issued under the above clause, the Deputy Commissioners may, in special cases, and with the previous sanction of the Excise Commissioner, call for tenders for any individual shop or group of shops and dispose of the same as the result of such tenders prior to auction. If the shops are so disposed of, the notification regarding the sale by auction of such shops will be cancelled.

4. The Deputy Commissioners will themselves conduct the sales in important places. In other places, the Revenue Sub-Division Officer or any other Gazetted Officer of the Revenue or Excise Department, not below the rank of an Assistant Commissioner should hold the sales.

II.—CONDITIONS OF AUCTION SALE.

1. A deposit must be made by each bidder previous to bidding and will be received BY THE SELLING OFFICER ON THE DAY OF SALE. A deposit of Rs. 50 will ordinarily be required from any person wishing to bid for any important shop or any large number of shops. This will be reduced to Rs. 20 in the case of bidders for not more than two or three shops of an aggregate monthly value of Rs. 50 or less and to Rs. 5 in the case of bidders for single small shops. In the case of shops whose average monthly rental is very small, the selling officer may fix such other reasonable amount as he may deem fit. No one will ordinarily be admitted to the auction room unless he has made this deposit. At the close of the day's sale, the deposit made by the unsuccessful bidders will be returned to them.

2. A bidder, about whose solvency the sale-conducting officer is not certain, will be required to produce either a certificate of solvency from a responsible officer to Government or two respectable persons as sureties for the due fulfilment of his obligation as a purchaser at the sale.

3. The shops will be put up to auction in the order in which they are notified in the schedule unless the selling officer sees reason to change that order. Upset prices will be fixed at the discretion of the selling officer. The rentals and the consumption of the previous three years will be notified for the information of the bidders.

NOTE. 1.—The privilege of vending toddy in any coffee estate or *kan* may be sold to the planter or *kan*-holder for any fixed amount not less than Rs. 50 per shop per annum.

NOTE 2.—Toddy shops in alienated villages whose claims to the Excise Revenue from toddy have been recognised or have not yet been settled shall invariably

be sold separately and the amounts connected therewith shall be shown in the accounts under a distinct head. Where Inam shops are sold along with Government shops, when the former cannot be conveniently disposed of individually, the rental of Inam shops will be fixed *pro rata* according as there is increase or decrease in the rental of Government shops.

4. Every shop will, as a rule, be sold independently. Grouping will be resorted to only under very exceptional circumstances limiting the number of shops so grouped strictly to the necessity of the occasion.

5. No person will be allowed to bid for another unless he holds a power-of-attorney from him.

6. No shops will be knocked down in the name of two or more persons unless they represent a duly recognised company or firm by means of a power-of-attorney. The selling officer shall refuse to register as a purchaser any one in whose name the bidding has not proceeded.

7. The officer conducting the sale may, at his discretion, refuse to accept the bid of any person on the ground that it is too low, or that he has been convicted by a criminal court, or has previously been guilty of such a breach of the conditions of a license or of a contract under the Excise Regulation or Opium Act, so as to render him undesirable as a holder of a license, or that such a course is necessary to prevent arrangements to the detriment of Government interests, or for any other valid reason. He may also refuse any bid which he may consider to be purely speculative after recording his reasons for doing so. Village officers will not be allowed to bid for, or to have any pecuniary interest in shops for the sale of intoxicants within the limits of their villages. No defaulter who owes arrears of Excise Revenue to Government should be allowed to bid at the Excise sales unless he produces a certificate from the Deputy Commissioner or Sub-Division Officer or District Excise Officer stating that the non-payment of the arrear due by him is due to its not having been determined or to its being in dispute or under correspondence.

8. The shops will be knocked down to the highest bidder, but the sale will be subject to formal confirmation by the Deputy Commissioner, who shall be at liberty to accept or reject any bid at his discretion. Such formal confirmation will be tantamount to an acceptance of the bid unless revised by the Excise Commissioner for special reasons and will be necessary whether the sale is held by the Deputy Commissioner himself or by any officer appointed by him.

9. If the officer conducting the sale rejects the highest bid under condition 7, he may at his discretion either accept the next highest bid or resell the shop. In case of dispute, the selling officer's decision will be final.

10. Shops remaining unsold at the first auction or shops the sales of which have not been confirmed but cancelled, will ordinarily be disposed of by re-auction or by tender or otherwise at the discretion of the Deputy Commissioner later on.

11. As the auction proceeds, each person whose bid is accepted shall at once, if so required by the selling officer, or otherwise at the close of the day's sale, make a further deposit which together with the initial deposit made under condition 1, will make up one month's *khist* for each shop. In the case of a foreigner, the initial deposit together with the further deposit will be equal to two months' *khist*, and in the case of a Bagani toddy shop, to four months' *khist*. Should he fail to do so, the deposit made by him under condition 1 will be forfeited and the shops will be put up again immediately to auction by the selling officer on the above conditions or otherwise disposed of by the Deputy Commissioner at the risk of the defaulter who will be debarred from bidding again for the same or for any other shop. Successful bidders will be granted proper receipts for the amount deposited by them.

12. Every person to whom shops have been knocked down and who has made deposits as provided in conditions 1 and 11 shall—

(1) at once apply in writing for a license for each shop knocked down to him and within a week thereafter furnish the Amildar with the boundaries of the site selected by him for the location of the shop and a statement in the prescribed form (annexed to this notification) showing details of the immovable property possessed by him, or in which he has an interest together with accurate and full details of encumbrances, etc., thereon;

(2) within fifteen days from the date of sale, deposit such further sum as with the deposits already made under condition 11 *supra* will make up two months' rent of all shops knocked down to him, unless such deposit or a larger deposit has already been made.

He shall then without unnecessary delay execute the necessary engagements and take out licenses on the conditions hereinafter set forth.

13. If, on perusal of the statement of immovable property furnished under condition 12 *supra* or on an independent enquiry, it is found that the purchaser is of doubtful solvency

and, if in the case of a foreigner who has already deposited two months' *khists* under rule 11, it is found that he has no sufficient property in the Mysore State, such purchaser or foreigner *shall* be required, either—

(1) to deposit twice the sum prescribed in condition 12 *supra*; or

(2) to execute a mortgage of his immovable property in Mysore in favour of the Government for all moneys that may become due under the terms of the contract with a power of sale in favour of the mortgagee to be exercised in default of payment thereof by the purchaser, or

(3) to get a surety or sureties, residents of and possessing sufficient property in the Mysore State, to execute a security bond for the due payment of all moneys that may become due by him under the terms of the contract and to execute a mortgage deed of his or their immovable property in favour of the Government for the payment of all moneys due under the said contract by the purchaser with a power of sale in favour of the mortgagee in default of payment thereof, by the surety or sureties or by the purchaser, or

(4) if the Amildar is not satisfied that the value of the immovable property tendered by the purchaser as security is adequate, he may require such person further to produce, in addition to mortgaging his property, a surety or sureties to be approved by the Amildar, who shall execute a security bond for the balance of the money that may become due and execute a mortgage deed of the surety or sureties' property in favour of the Government. The sureties referred to in sub-clauses (3) and (4) should submit to the Amildar a statement in the prescribed form annexed to this notification showing details of their immovable property. The purchaser shall be bound to carry out the provisions of sub-clauses (1) to (4) above within fifteen days from the date of sale.

The bond and the mortgage deeds shall be stamped and registered at the expense of the purchaser. The bidder or his surety must produce at his cost an encumbrance certificate in cases where immoveable property is mortgaged to Government.

14. As soon as the sales are over, the sale-conducting officer shall forward a list of successful bidders with his remarks to the Deputy Commissioner for confirmation of the sales.

15. Deposits will be returned in any case in which the Deputy Commissioner refuses to confirm the acceptance of the bid.

16. On the failure of any person to make a deposit under conditions 11 and 12 or to comply with the requisition under conditions 12 and 13 *supra* or to execute engagements and take out licenses as aforesaid, the deposits already made shall be forfeited and the shop promptly re-sold. Due publication should always be given to the re-sale in the localities concerned and among persons likely to bid at the sales.

17. Re-sales effected under condition 16 will be at the risk of the defaulting biddder who will forfeit all gain and, in the event of loss, will be required to make good the deficiency between the total amount payable for the whole period under the terms of the original sale and the total amount payable by the successful bidder at the re-sale. In the latter case, the forfeited deposits will be deducted from the loss arising from the re-sale and the remainder, if any, will be recoverable from the defaulter in the same manner as if it were an arrear of land revenue. Should, however, the forfeited deposits be greater than the loss by re-sale, the whole of such deposits will be credited to Government. The defaulting bidder will be similarly liable if the privilege is disposed of otherwise than by re-sale and such disposal results in loss to Government as compared with the original sale. Disposal otherwise than by re-sale includes closure.

18. The deposits under conditions 12 and 13 may be made either in cash or approved security. When deposits are made otherwise than in cash, the same will be accepted at their market value not exceeding the face value of the bond.

19. Deposits in cash will be adjusted towards the instalments of *khists* due in the last month of the period of the lease. Deposits of securities or savings bank pass-books, etc., will be returned on payment in cash of the full amount of the rent due and of any penalties or other sums recoverable under the terms of the license or of the conditions set forth below unless the depositors wish that Government should take them over, in which case they will be taken over at market rates, and the balance, if any, due to Government must be paid in cash. In cases of default under condition 16 of the conditions of auction sale or under conditions 26 and 38 of the general conditions applicable to all excise and opium licenses, all securities deposited are liable to be sold for any amount due to Government under the terms of the lease, the remainder, if any, due after such sale, being recovered as arrears of land revenue.

20. The purchaser shall adhere to all the provisions of the excise and opium laws which are in force or which may come into force and of the rules which have been or may from time to time be framed either by Government or by the Excise Commissioner or by any competent authority.

21. The purchaser of the privilege is liable to the penalties prescribed for breaches of the conditions set forth below though a formal license may not have been issued to him. In the event of the purchaser's death, his heirs and assigns shall be responsible for all moneys that may become due to Government under the terms of the agreement as well as for the proper observance of all the conditions of the license.

22. The licenses issued under the above clauses will contain the following general conditions common to all excise and opium licenses and the special conditions prescribed below for each particular kind.

III.—GENERAL CONDITIONS APPLICABLE TO ALL EXCISE AND OPIUM LICENSES.

1. Shops must be kept open every day from 1st July or on the dates to be fixed by the Deputy Commissioner, with the previous approval of the Excise Commissioner, in the case of toddy shops in Malnad areas, unless their temporary or permanent closure is authorised under condition 8 9, 10 or 41 *infra*.

2. Except where definite sites in the possession or under the control of Government have been prescribed, purchasers of shops must make their own arrangements for securing proper sites for their shops. They are at liberty to choose any site within the local limits prescribed by the Deputy Commissioner, provided the site selected is approved by the Deputy Commissioner in accordance with any rules prescribed by Government; in areas for which Excise Licensing Boards have been constituted, they have to be consulted for all changes in the location of shops. The limits of the site selected and approved will be entered in the license. The possession (except subject to the rules applicable to unlicensed persons), or sale of liquors, opium or intoxicating drugs outside those limits is prohibited.

3. Sales under any excise or opium license must be conducted in an approved building, of which the whole or the whole of a separable part must be entirely set aside for use as a depot or shop. If there are means of communication between the depot or shop and an adjoining dwelling house, they must be kept locked at night. In the case of arrack shops in municipalities or towns having a population of 2,000 and over, the shop premises shall have no doors except into the main street; unless barred and protected by wire netting, no windows or other openings shall be allowed to the rear or at the ends of the building; there shall be no possible means of ingress or egress in any other direction; the bar at which the sale is held shall be opposite the entrance door and so situated that all persons inside can be seen by any one passing to and fro in the street, and shall not be more than four feet raised from the ground and no second room shall be used for sale or be kept open for customers. The interior of the shop shall be sufficiently lighted by day so that the whole interior may be visible from the front door and the premises shall be kept clean and in a sanitary condition. The shop shall not be used as a place of residence; but vendors or caretakers may sleep in it at night, if necessary, to safeguard the stock.

4. Except when two or more foreign liquor licenses or the ganja and opium licenses in the same locality are held by one person, or in the case of licenses held by chemists and druggists and medical practitioners, sales under different licenses must be conducted in different premises.

5. The possession upon any licensed premises of any liquor, intoxicating drug or opium except that to which the license relates, or of any essence or substance used or capable of being used for colouring or flavouring liquor, except in accordance with the terms of a compounding license, is prohibited.

6. A signboard must be affixed to the front of each depot or shop showing the nature and number of the license under which sales are conducted there, the name of the licensee and (except in the case of foreign liquor) the current rate of sale. These particulars must be legibly painted in the local vernacular. The license must be hung up in a conspicuous place within the depot or shop.

7. Such supply of liquor, intoxicating drugs or opium as the Deputy Commissioner may consider sufficient to meet local requirements, must be maintained in depots and shops. The details of such supply will be published in the *Mysore Gazette*.

8. No arrack, foreign liquor or beer shop will be opened before 9-30 A.M. and no other shop or depot before sunrise. No depot or shop will be kept open, on any plea, after 8 P.M.

NOTE.—In the Bangalore City, however, the opening hour of arrack, foreign liquor and country beer shops will be 11 A.M. and the closing hour of all excise shops except those for the sale of ganja, opium and foreign liquors will be 9 P.M.

9. Deputy Commissioners are authorised to notify at the time of the auction sales that specified shops will be closed on the occasion of specified festivals and that the hours of sale

at specified shops which are situated within a mile of a market or shandy will be limited on market days generally or that they will be liable to limitation on such occasions by orders issued during the currency of the lease if it is found that the shops promote drunkenness. Special discretion is given to Deputy Commissioners to reduce these hours further in industrial areas by closing the shops on week days from 11-30 A.M. 1-30 P.M., and on the afternoon of pay days and by directing the shops to keep open on Sundays only between 11-30 A.M. and 4 P.M. Sales after the prescribed hours of closure in the Cities of Bangalore and Mysore and Kolar Gold Fields will be allowed in special cases under separate licenses and on payment of such fees as may be prescribed by the Excise Commissioner. Power is reserved to Deputy Commissioners on the report of the Police or for other sufficient recorded reasons, to order the closure of any particular shop either in towns or in the country at 7 P.M., if they consider such a course to be advisable in the interests of the public.

10. Depots and shops situated on or adjacent to the line of march must be closed, if the Deputy Commissioner so orders, while a regiment or detachment of soldiers is passing or is encamped in the vicinity. Deputy Commissioners or Revenue Assistant Commissioners or District Excise Officers shall have power also to close any shops temporarily in times of religious excitement or disturbance. Every depot and shop-keeper shall, on his own motion, close his depot or shop when a riot or disturbance occurs or appears likely to occur in the neighbourhood.

11. All liquor, intoxicating drugs and opium sold or kept for sale shall be of good quality and unadulterated. Nothing shall be added to liquors, opium or intoxicating drugs either to increase their intoxicating power or for any other purpose except the manufacture of intoxicating drugs in accordance with the terms of a license. Nor shall a blend of different kinds of liquors be made and sold under the designation of one of them.

12. No woman shall be employed in any excise or opium shop for the sale of liquor opium or intoxicating drugs without the special permission of the Deputy Commissioner unless she be a member of the renter's family.

13. The sale or transport of liquors, opium or intoxicating drugs by persons below the age of eighteen (twenty in the case of opium) or by persons suffering from leprosy or any contagious disease and the employment in any capacity of such persons in shops or depots licensed for the sale of the same are prohibited. No persons who have been convicted under the Indian Penal Code shall be employed in the transport or sale of liquor, opium or intoxicating drugs without the previous permission of the Deputy Commissioner. The Revenue Sub-Division Officer in charge of Excise work or the District Excise Officer or the Range Inspector may, where necessary, call for the names of all persons employed or proposed to be employed in any capacity in connection with the management or the working of a depot or shop and the tapping and drawing of toddy for the supply of toddy shops in the groves in which the trees are marked and, if he disapproves of any such person, may prohibit the licensee from keeping him in employment.

NOTE.—This rule also applies to the sale of eatables by persons in liquor shops.

14. I. (*a*) No liquor, intoxicating drug or opium shall be sold or given—

Except at shops specially approved by the General Officer Commanding the Division (or independent brigade) or the Officer Commanding the Cantonment or Camp, and then only in respect to such liquors as shall be approved by the same authority in consultation with the local excise authorities and specified in the license—

(1) to sailors of the Royal Navy, soldiers and members of their families ; or

(2) to any other person living in barracks ;

II. (1) to persons whom a vendor knows, or has reason to believe, to be camp followers, *i.e.*, any class of followers (other than private servants) whether on or off duty, who have a right to be in cantonments ;

(2) to Policemen, Excise officers, Railway servants and to drivers and conductors of motor buses, taxies and lorries, when on duty ; or

III. in any circumstances to any

(1) European vagrant under escort of the Police ;

(2) insane person ;

(3) person known or believed to be intoxicated ;

(4) persons known or suspected to be about to take part in a riot or disturbance of the public peace or other crime.

(*b*) No liquor or intoxicating drug shall be sold or given in any circumstances to any child or young person under eighteen years of age or adult female ; no opium shall be sold or given in any circumstances to any child or young person under twenty years of age or adult female.

(*c*) No child, young person under eighteen years of age or adult female shall be admitted into the premises of any shop in which consumption is allowed on the premises subject to the exception in condition 12.

NOTE.—(1) The restrictions in (I) and (II) do not apply to soldiers, their families and followers when they are absent on leave from their regiments.

(2) The restrictions in clauses (b) and (c), so far as they relate to adult females, do not apply to foreign liquor licenses issued on fixed fees.

15. No liquor, intoxicating drug or opium shall be sold in shops except for cash. The licensees shall be bound to give intimation of the offer of anything other than cash to the nearest Magistrate or Police Officer. This condition is not, however, meant to restrict credit sales in the ordinary course of business by shop-keepers or firms of standing and respectability dealing in foreign and special liquors for consumption off the premises.

16. No liquor, opium or intoxicating drug shall be sold either below the minimum or above the maximum retail prices that may be prescribed, from time to time by Government or by any other officer empowered by them in this behalf. Power is, however, reserved to the Deputy Commissioners to raise the retail rates at which the licensee sells any intoxicating liquor or drugs if such rate is below that which may be reasonably expected to cover the cost, the rental and other incidental expenses.

Power is also reserved to the Deputy Commissioners to fix a higher retail price than the prescribed minimum price for the sale of toddy in the shops either within the areas in which the higher rate of duty is levied on arrack sold in such area or within a radius of 5 miles round such high duty areas.

17. No liquor, intoxicating drug or opium in excess of the quantity prescribed as specified below for possession without a license shall be issued to any person at any one time from any licensed premises without a valid permit.

(1)	Arrack (including Jaggory Arrack), of the prescribed strength ...	4 drams
(2)	Special liquors, (*i.e.*, Brandy, Whisky, Gin, Rum and Milk punch manufactured in the Government Central Distillery).	One gallon in the aggregate.
(3)	Toddy, four Imperial quarts or	... 4 seers
(4)	Country beer	... 4 gallons
(5)	Ganja	... 3 tolas
(6)	Opium	... 1 tola
(7)	Foreign Liquors	... 2 gallons

18. Only such weights and measures as may from time to time be prescribed by the Excise Commissioner shall be possessed or used on any licensed premises. Short measurement or short weighment is strictly forbidden. The possession or use of weights or measures that are incorrect on any licensed premises will render the licensee liable to punishment. In the case of toddy shops, earthen or other measures may be used provided they are of the same capacity as those of the prescribed measures which must however be maintained in all licensed premises. There is no objection however to use a quarter seer toddy measure in case of necessity.

19. No drunkenness, disorder or gaming shall be permitted in depots or shops. Entertainments of any kind in depots or shops are also strictly forbidden. Licensees are prohibited from advertising the sale of liquor by beat of tom-tom or placards in the streets and in the neighbourhood of markets and from giving or offering liquor, opium or intoxicating drugs free with the object of increasing the custom or for any other reason. They are also prohibited from employing motor or other conveyances to convey possible customers to their shops.

20. No robbers or thieves or disorderly or riotous persons or prostitutes or soldiers or others known or believed to be deserters shall be harboured in depots and shops. Intimation of their resort thereto shall be given to the nearest Magistrate or Police Officer.

21. No person shall be harboured in any depot or shop during the night.

22. True accounts of transactions shall be maintained from day to day in ink in the prescribed form in all shops and depots except toddy shops. The account and permit books may be obtained from the local Excise Officers on production of receipts for the payment of the cost price into a Government treasury. Permits for liquor, intoxicating drugs or opium received must be carefully filed in support of the accounts. The accounts and counterfoils of permits shall immediately after the expiry of the lease, be handed over to the Range Inspectors who shall preserve them for a further period of one year before they are destroyed.

23. The amount for which the privilege has been purchased shall be payable in twelve equal monthly instalments into a Government treasury of the taluk where the shop is situated together with any Railway and Education cesses the levy of which have been already ordered, on or before the 10th of each month beginning with July. Licensees who fail to make payment of monthly instalments as aforesaid shall be liable to pay interest from the following day together with such fines as may be imposed by the Deputy Commissioners.

NOTE.—In the malnad and semi-malnad taluks, the Deputy Commissioners may permit patels of villages who are not themselves licensees to receive payments not exceeding Rs. 50 from any individual at a time.

Kind	Items	Districts	Rate per rupee. Railway Cess			Edn. Cess.		
			Rs.	a.	p.	Rs.	a.	p.
Toddy ...	Tree tax, tree rent and shop-rent.	Bangalore ...		...		0	0	6
		Tumkur ...	0	0	3	0	0	6
		Mysore ...	0	0	3	0	0	6
		Shimoga ...	0	0	3	0	0	6
Special Liquors ..		Chitaldrug ...	0	0	6	0	0	6
Arrack, Ganja ...	Duty	Kolar ...	0	0	3	0	0	6
Majum and Beer ...		Kadur	0	0	6	0	0	6
		Hassan ..		...		0	0	6

24. No remission or abatement of the rent shall be claimable on any account whatever nor shall any remission be granted on the allegation of loss incurred on account of temperance propaganda.

25. Power is further reserved to Revenue Officers to suspend licenses in case of failure of payment of *khists* or of tree-tax on the due date. In the case of arrack, toddy and drug shops, this power will be exercised by Amildars and in other cases by the Deputy Commissioners.

26. In the event of the aforesaid arrack, toddy or drug licensee failing to pay his *khist* the Amildar after suspending the license shall, with the previous sanction of the Deputy Commissioner, resell after notifying the date of re-sale by affixing a notice on the taluk office notice board, the privilege with effect from the date of issue of license to the new purchaser. The date of sale shall be after the 20th of the month for which the *khist* is due and before the close of the month. Re-sales should be held in the same way as the annual sales and subject to the same conditions as those applicable to the annual sales according to the rules. Re-sales should be given wide publicity by notifying them in the *Mysore Gazette*, whenever possible and in important villages of the taluk in which the shops to be re-sold are situated by beat of drum. The Deputy Commissioner may also in his discretion dispose of the privilege in any other manner. Disposal of the privilege of sale otherwise than by re-sale includes also closure of the shop or tavern. The re-sale should, as far as possible, be notified to the defaulter. All losses on account of suspension and re-sale or other disposal of the privilege shall be borne by the defaulting licensee, but he shall have no right to gain, if any, which accrues. The whole of the deposit, if any, made at the commencement of the lease will be liable to forfeiture at the discretion of the Deputy Commissioner who may either direct such forfeiture or appropriate the same towards the arrears due by the defaulter as well as towards the deficit, if any, arising from the re-sale or other disposal of the privilege. The officer who has power to suspend the license may, however, at his discretion allow sales to continue pending re-sale or other disposal of the privilege.

27. No privilege of supply or vend shall be sold, transferred or sub-rented without the previous permission of the Deputy Commissioner, who may order the forfeiture of the deposits already made by the applicant or impose such conditions as are necessary for safe guarding the interests of other contractors. Nor, if the Deputy Commissioner so orders, shall any agent be appointed for the management of any such privilege without his previous approval.

28. (*a*) No holder of any Excise or Opium license will be allowed, without the written permission of the Excise Commissioner, to possess or continue to possess any interest direct or indirect in any Excise or Opium license outside the territories of Mysore, or in the Civil and Military Station of Bangalore.

(*b*) No holder of any Excise or Opium license in any area in the State may have any interest in or hold a license for the same article in any other area in the State in which a different rate of duty is imposed without the special permission of the Deputy Commissioner for which the party concerned must apply without delay. Breach of this condition will render the party liable to the penalties prescribed by condition 38 in respect of all or any of the licenses held.

29. (*a*) The manufacturers of arrack and other country spirits as well as the licensees of Arrack Bonded Depots are prohibited from holding any interest in the retail vend of arrack or in the vend of other country spirits and from employing any person who has such interest.

(*b*) The lessee of an arrack shop shall not have any interest in the privilege of vending special liquors in the place and *vice versa*.

30. Such returns and information as may be required from time to time by any officer not below the rank of an Excise Assistant Inspector shall be furnished by holders of licenses without delay.

31. Licensees are bound to report to the Deputy Commissioner all instances which come to their knowledge of persons employed by them in the manufacture carriage or sale of liquor, opium and intoxicating drugs, committing breaches of the Excise or Opium laws or of engagements entered into by them and to comply with the Deputy Commissioner's

orders respecting the continued employment of such persons. No person who has been convicted under the Indian Penal Code shall be employed in the carriage or sale of liquor opium and intoxicating drugs without the Deputy Commissioner's previous permission.

32. Pecuniary dealings by licensees of any kind whatever with officials of the Excise Department are absolutely prohibited.

33. With the sanction of the Excise Commissioner, any license shall be revocable by the Deputy Commissioner, at his discretion on giving the licensee fifteen days' notice of such revocation, in which case a proportionate part of the fee paid will be refunded.

34. All licensees shall be bound by any additional general rules that may be prescribed under the Excise or Opium laws and shall if so required by the Deputy Commissioner or any officer authorised by him, deliver up their licenses for amendment or for the issue of fresh ones.

35. Any officer of the Excise Department of rank not lower than a Sub-Inspector is authorised to inspect licensed shops and depots. These officers are empowered to enter and examine the premises, to test weights and measures in use and the liquor, intoxicating drugs and opium in the possession of licensees, and to call for and check the accounts kept in the shop or depot. Police officers will also make an inspection when it comes within the scope of their duty.

36. All officers authorised to inspect depots and shops (*vide* condition 35 *infra*) are authorised to detain any liquor, intoxicating drug or opium found unfit for consumption or use, or which they may believe to have been tampered with, and the Excise Commissioner, Deputy Commissioners and Revenue Sub-Division Officers or District Excise Officers are empowered to confiscate and destroy such as are found unfit for consumption or use.

37. An inspection note book in the prescribed form (No. 11), shall be maintained for the use of inspecting officers and shall be handed over to the Excise Inspector of the range or to any officer authorised by him to receive it on a receipt being given therefor. This note-book is the property of Government and shall be returned at the end of the lease to the sub-range Assistant Inspector or to the incoming renter on a receipt being given therefor.

38. (1) If a licensee or any person in his employment is convicted by a competent court of any offence against the Excise Regulation or Opium Act or of any offence under the Indian Penal Code, which in the Deputy Commissioner's opinion renders it desirable to cancel the license or if it is brought to the notice of the Deputy Commissioner that the licensee has been convicted by a competent court of any such offence prior to the grant of a license, the Deputy Commissioner may direct that the license shall be cancelled and the privilege be re-sold or otherwise disposed of at the risk of the licensee and may further direct, if he considers it necessary to do so, that any deposits made by the licensee shall be forfeited.

(2) Infraction of any of the conditions of the license by a licensee or by any person in his employment, will render the licensee liable either to be prosecuted and on conviction dealt with under clause (1) or to a fine not exceeding Rs. 50 or to cancellation of licensee and re-sale or other disposal of the privilege at the risk of the licensee and if considered necessary by the Deputy Commissioner, to forfeiture of deposits. The rent for the whole lease shall become due at once when a license is cancelled under this or the preceding rule.

(3) When a licensee holds more than one license granted under the Excise Regulation or Opium Act and when anyone of these licenses is cancelled under clause (1) or (2) above or under the special conditions applicable to ganja or opium shop licenses, the Deputy Commissioner, at his discretion, may direct that any or all of the other licenses under the Excise Regulation or Opium Act held by the licensee shall be cancelled and the several privileges be re-sold or otherwise disposed of at the risk of the licensee and if necessary, may further direct that any deposits made by the licensee shall be forfeited. The rent for the whole lease shall become due when a license is cancelled under this rule.

NOTE.—For continuing breaches of a license, continuing fines may be imposed.

39. Any sum due by a licensee may be recovered by attachment and sale of the property of the licensee or his surety under any law for the time being in force for the recovery of arrears of Land Revenue.

40. Interest on all moneys due shall be payable at the rate of one pie per rupee or fraction of a rupee per month or fraction of a month.

41. The Deputy Commissioners may order the transfer of depots and shops from one locality to another within the limits of the same town (including cities) or villages or the closure of the same. But no new shops shall be opened except with the previous sanction of the Excise Commissioner.

42. (1) No occasional licenses will be issued for the sale of liquor during *Jatras* and except in Municipal towns (including cities), existing shops, if any, will be removed to a distance of one mile from the place of *Jatra* during the duration of the *Jatra*.

(2) Ordinary shops will not be located in unduly prominent places so as to be offensive or to offer unnecessary allurements.

43. No licensee shall have claim to any compensation or remission on account of any arrangements which may be made in regard to liquors or intoxicating drugs other than those to which his license relates.

44. The licensee shall be bound to take over any liquor or drug which may remain in the shop as stock in hand belonging to the outgoing licensee, whether the privilege is purchased at a re-sale or at an original sale, at the time when the privilege is made over to the former, paying the latter such compensation for the same as may be fixed by the Deputy Commissioner. Any liquor or drug that, at the time of stock-taking, is found to be unfit for human consumption, will be destroyed and the outgoing contractor is not entitled to any compensation for it.

SECTION II.

CONDITIONS APPLICABLE TO ARRACK LICENSES

1. The privilege conferred by the license extends only to the sale of arrack of the strength of 35° U. P. and manufactured in the Government Central Distillery. In places where separate shops are not licensed for the sale of sugarcane jaggory arrack 35° U. P., the arrack shop-keeper may be permitted to sell jaggory arrack in reputed pint or quart bottles. This privilege is, however, liable to be withdrawn at any time during the lease and it shall not be open to the licensee to claim any compensation on this account. But in places where both arrack and special liquor shops exist, the privilege of selling bottled jaggory arrack will be given to the licensee of the special liquor shop. When molasses arrack is for any reason not available for issue from the Distillery, jaggory arrack may be supplied in bulk in place of molasses arrack.

2. (1) The strength and quality of arrack that may be sold, and the rates at which liquor may be purchased by licensees from Government Bonded Depots, (or from the Government Distillery direct when specially permitted by the Excise Commissioner for want of adequate stock in the Depots) shall be such as may, from time to time, be fixed by Government.

(2) The quantities purchased at one time shall not fall below one gallon of arrack. For the transport of liquor from the Bonded Depots or from the Government Distillery direct in the special cases referred to in clause (1), arrack shop-keepers should provide themselves with jars or other suitable receptacles which can be effectively closed and sealed and also arrange to get the consignments properly sealed before delivery.

(3) The licensees shall pay the prescribed duty, price and other charges into a taluk treasury or to a special shroff, if any, appointed in this behalf at the cost of Government, and located at the taluk cutcherry to receive such duty, price and other charges *daily* including Sundays and holidays or to such other officer as may be appointed by the Deputy Commissioner, and shall obtain a receipt in the prescribed printed form. On production of such receipt, the Bonded Depot-keeper shall issue the quantity of liquor equal to the amount of duty and price shown in the said receipt which will be forwarded to the Taluk Amildar under the endorsement of the Bonded Depot-keeper aforsaid, as to the date and hour when the liquor was issued. The receipts granted will have currency only for a period of *seven* clear days from the date of issue with the proviso that the receipt issued in one month is invariably presented for issue of liquor before the close of that month. The Depot-keeper aforesaid shall issue a permit in the prescribed form for the transport of liquor from the Bonded Depot. He shall also issue sample bottles with the consignments in such manner as may be ordered by the Excise Commissioner.

(4) Persons who purchase group of shops may, with the special permission of the Excise Commissioner (who is at liberty to refuse it) and under a license by competent authority, open a depot and remove thereto liquor purchased from the Bonded Depot and issue therefrom the requisite supply to their shops.

(5) No consignments of arrack received at the shop which have been transported through the British Territory shall be opened before they have been verified by the officers authorised to do so.

(6) The arrack kept in the shop, offered for sale and sold, shall be unadulterated and undiluted, and it shall be of the same quality and strength as issued from the Bonded Depot, subject to such margin as may be allowed by the Excise Commissioner from time to time.

NOTE.—The licensee shall maintain intact the sample bottle issued to him by the Bounded Depot keeper with each consignment till the bulk of the liquor in the consignment is exhausted.

(7) Arrack shop-keepers may be required by the Health Department to keep a pail of water in their shops for the purpose of washing tumblers used by consumers. Suitable arrangements shall in this case be made, so that the vendor does not himself become the cleaner of such tumblers. A pail of water shall be kept at some distance from the counter or bar and a separate individual told off for the purpose of washing the vessels used for drinking.

(8) The licensee of every shop in the cities of Bangalore and Mysore shall pay registration fee at the rate of rupees (180) one hundred and eighty per annum in advance for the period of the license for his shop and he shall pay a surcharge of (4) four annas per gallon on all arrack sold by him in excess of 55 gallons a month in each such shop. Such registration and surcharge fees on arrack as may be levied in other municipalities with the sanction of Government will be paid by the licensee of an arrack shop.

(9) The licensee of every arrack shop in Chikmagalur will pay a surcharge fee of four annas a gallon on all arrack sold by him in excess of 55 gallons a month in each such shop.

(10) No rural arrack shops will be permitted to be opened within three miles of Bangalore City and the Civil and Military Station, Bangalore. All existing shops within that zone will be shifted to new sites so as not to infringe this condition.

(11) The Deputy Commissioner may order a licensee at any time during the currency of his lease, to raise the rate at which he sells arrack if such rate is below that which may be reasonably expected to cover its cost, the rentals paid and incidental expenses.

(12) Every arrack shop should maintain a testing stand or a fixed board on the *gadda* for placing the trail glass of liquor for testing purposes.

SECTION III.

SPECIAL CONDITIONS APPLICABLE TO SPECIAL LIQUOR AND JAGGORY ARRACK LICENSES.

1. The privilege extends to the sale, in sealed receptacles, of special liquors manufactured in the Government Central Distillery at Bangalore only, which shall be generally of the strength of 20° U. P. in quantities not less than a pint of each kind, at a time and also of jaggory arrack of the strength of 35° U. P. in quantity of not more than a pint at a time.

2. The licensee is prohibited from rectifying spirits or purifying, colouring or flavouring or mixing any material therewith.

3. Liquor sold under this license shall not be consumed on the premises.

4. The license-holder shall obtain special liquors including jaggory arrack from the Bonded Depots on payment into the local Government treasury of such value as may be notified from time to time.

SECTION IV.

SPECIAL CONDITIONS APPLICABLE TO THE SALE OF COUNTRY BEER.

1. The privilege conferred by the license extends to the sale only in sealed bottles or in bulk of country beer or porter brewed on the Nilgiris in Breweries which may be approved of by the Government or by Messrs. Meakin & Co., Kirkee, or the United Brewery Co., Ltd., Bangalore, or in any other Brewery approved by Government.

2. All country beer intended to be imported into the Mysore State in bottles shall pay such duty as may be fixed and notified by Government from time to time into the Bangalore Taluk Treasury on the printed chellan prescribed for the purpose.

(a) An application shall then be made, with the aforesaid chellan received from the treasury, to the Excise Commissioner in Mysore for the grant of the necessary permit.

(b) On obtaining the permit and the necessary permission of the Excise authorities of the place wherefrom the beer is to be exported, the liquor may be imported and transported into Mysore State under cover of the permit.

(c) The consignment on arrival at its destination shall not be opened until it is verified and certified to by an Excise Office.

(d) The permit referred to in (a) *supra* shall be in triplicate, the original shall be issued to the applicant and the duplicate shall be sent simultaneously to the Excise Inspector concerned, who will note on the back of the permit the result of his verification, and return the same to the Excise Commissioner for being filed with the counterfoil retained in his office.

3. The licensee shall sell beer or porter of approved quality. It should not be sold to be drunk on the premises when the privilege is for sale in sealed bottles. In the case of the privilege of sale in bulk, beer may be sold to be drunk on the premises up to one reputed quart bottle at a time.

4. The beer or porter sold under this license shall be brewed from good materials and its quality shall be such as to satisfy the Excise Commissioner and shall be of the same quality and density as purchased from the brewer, without dilution or adulteration. Wort shall not exceed 1073°. The beer or porter sold shall not contain more than 8 per cent of alcohol by volume. Samples of such beer or porter shall be sent duly bottled from the shop for examination and test whenever required by the Excise Department.

5. Any Magistrate having local jurisdiction, or any officer acting under his warrant or any Excise Officer shall be allowed entry to the shop at any hour to test the beer or porter on the premises and examine the shop accounts, which it shall be the duty of the license-holder and vendor to keep and produce. Such accounts shall be true and correct and written up daily in the prescribed forms. All condemned beer shall be destroyed.

6. Beer brought for the Commissariat Department and rejected by the Military or other departments, shall not, under any circumstances, be forwarded for sale in the shop.

SECTION V.

CONDITIONS APPLICABLE TO TODDY LICENSES.

1. The exclusive privilege conferred by the license extends to the sale of date, palmyra, cocoanut, bagani and dadasal toddy. But in the tracts where both date and bagani toddy shops exist, the licensee of the date toddy shop shall not tap Bagani trees and the licensee of the bagani toddy shop shall not tap date trees; but both licensees can tap any of the other palm trees named above.

2. For the supply of toddy to his shops, the licensee shall have the privilege of obtaining subject to tree-tax rules, toddy-yielding trees in the groves assigned to his shops or groups of shops, and he shall be at liberty to manufacture toddy from the trees in private lands under private arrangements, between himself and the owners of such lands. If the Deputy Commissioner is satisfied that the said (hiduvali) trees should not be tapped, he is competent to withdraw the tree trapping license and the licensee affected thereby shall not claim damages therefor. No trees will be permitted to be tapped within 3 miles from the limits of the Bangalore City and Civil and Military Station by any licensees other than those of the Bangalore City and Civil and Military Station toddy shops. In the case of trees on Government unoccupied lands included in the date reserve list and reserved for future use, the previous sanction of the Excise Commissioner should be obtained before accepting applications for licensing them. The number of trees shown in the assignment list is only approximate and is subject to alteration at the time of presenting application for trees. The Revenue Sub-Division Officer or the District Excise Officer may approve all such alterations on the recommendation of the Range Inspectors. Stray trees belonging to Government which have not been reserved or assigned may be granted to the licensees at the discretion of the Range Inspector, subject to the formal approval of the District Excise Officer. The licensee may purchase toddy from any licensed toddy shop-keeper on application to the Inspector or Assistant Inspector who will grant the required permits on proof of the necessity for the same in the following cases.—

(*a*) Where there is an unusual demand for toddy in a shop in consequence of a festival or for any other valid reason to be recorded by the Range Inspector.

(*b*) Where trees have ceased to yield during the last few days of a lease.

(*c*) Where toddy drawn by one shop-keeper at the end of the lease cannot reach the shop before the first few days of the new lease.

3. No toddy in excess of the produce of trees licensed for that shop and covered by a transport permit shall be transported to or kept in the shop or offered for sale or sold.

4. The licensee shall be responsible to Government for all payments of instalments of fees due on account of tree-tapping licenses granted on his application in his own name or in the names of his nominees under the conditions set forth therein and in the rules relating thereto.

5. If any instalments are not paid within the time, the tapping license shall be liable to be cancelled or suspended under section 26 of the Excise Regulation Fresh applications for trees shall not be accepted from licensees until the arrears of tree-tax relating to all their shops are paid up.

6. In case of default, the Amildar will order the suspension of all current tapping licenses till the arrears are paid up; and if, after receiving notice of such su pension, the

defaulter or his agent or employee continues to tap the trees, any or all of them will be punished departmentally or be prosecuted for illicit tapping.

7. Tree rent at Re. 0-8-0 per tree shall be paid at the time of application for tapping license for all Government trees applied for being tapped for the supply of toddy shops whether within or outside the Mysore Territories or in the Civil and Military Station, Bangalore. Railway and Education cesses on tree rent will be levied in addition as stated in general condition 23 *supra*.

Note.—No trees on Government occupied land can be tapped without the consent of the owner. The present arrangements as regards trees in alienated land will hold good, subject of course to the levy by Government of tree-tax.

8. The tapping of trees is subject to the following conditions :—

(*a*) Date trees shall be tapped only by professional men.

(*b*) No date tree shall be tapped oftener than once in three years or for more than four months in the year.

NOTE.—Discretion is given to the Deputy Commissioners of districts to permit the tapping of trees in alternate years if they are satisfied that it is necessary to do so for want of other trees.

(*c*) Trees shall not be over-tapped or over-worked, *i.e.*, worked every day during the currency of permit.

(*d*) In no date trees shall the initial incision be made at any point within six feet from the ground or eighteen inches from the top of any other incision except in places where permission is specially given by the Deputy Commissioner.

(*e*) The depth and width of the incision shall not exceed one-third of the diameter of the tree at the point of incision and the length of it shall not exceed 8 inches.

(*f*) The central spike-like clusters shall not be touched. Of the lateral leaves, not less than two layers of leaves shall be left, reckoning from the layers immediately next to the central clusters down to top line of incision; or in other words, above the top line of the incision not less than eight leaves shall be left excluding the central spike-like clusters on that face of the tree on which the incision is made.

(*g*) The licensee shall not cut or injure or permit to be cut or injured the trees licensed to him or any other trees.

(*gg*) The licensee shall neither prepare nor make incision into the date trees in such a way as to cause their death.

(*h*) The licensee or his employer will be liable to pay a fine equal to double the amount of tree-tax in force during the year for each tree, which may die from over-tapping or careless tapping either during the lease or within six months after its expiration. He will be liable to pay a similar fine for every tree which he prepares for tapping if it dies in consequence of such preparation before he taps it.

(*i*) The licensee will not be entitled to compensation for any trees withdrawn or taken up for public purposes or for any trees standing on the banks or beds of irrigation works under the control of the Public Works Department which that Department may require to cut down or strip off their leaves or branches.

(*j*) When the licensee makes default and his shop is re-sold, or otherwise disposed of, his rights to and claims on all toddy-yielding trees for the purpose of tapping cease and determine.

9. The licensee shall not interfere with the persons holding licenses for cutting date leaves, mat-making, rope-making, basket-making, or for agricultural or other purposes when they make use of the trees assigned for such purposes, and not reserved for tapping.

10. Deputy Commissioners may subject to the orders of the Excise Commissioner from time to time, prescribe the minimum number of trees for which license will be granted, and the minimum number to be entered in a single application. They may also direct that the trees situated in one village only shall be included in an application.

11. The addition of water to and the distillation of spirit from toddy are absolutely prohibited.

12. If the licensee of a group of shops wishes to transport the toddy intended for his several shops *in one consignment*, he should obtain a depot license and carry the toddy to the depot with the usual permit. The toddy intended for each shop shall be distributed in accordance with the permits granted for transport from the depot to the shop. The permits issued with the transport shall be subject to examination and check by the officer authorised in this behalf. In all other cases toddy drawn for one shop should not be mixed with that drawn for another and transported in one receptacle.

12a. Where toddy is transported under the above rule 12 on motor vehicles, the bulk should not be broken in transit, but should be directly conveyed to the depot in accordance

with the permit authorising the transport. The distribution of toddy to a shop *en route* before reaching the depot or changing the route of transport other than in the manner noted in the permits is strictly prohibited.

13. Tree-foot sales or sales in the open or the disposal of toddy in any other manner unauthorised by the rules, are strictly prohibited.

14. The licensee or his venders shall not sell to any person more than three measuring seers of toddy to be consumed by the person at one time in the shop, nor shall it be sold to the public at less than the retail rates fixed by Government. Toddy can be removed without a permit for consumption up to the limit of one imperial gallon or four seers.

15. In every grove where toddy-yielding trees are tapped, a ladder shall always be kept by the tapman to enable Excise Officers to examine spathes or incisions as the case may be.

16. The licensee shall pay the usual mohatarfa tax on carts used for conveying toddy, but such carts shall not be impressed for Government work.

17. The following rules shall regulate the issue, etc., of licenses under section 12 of the Mysore Excise Regulation, V of 1901, for the tapping of toddy-producing trees and for the drawing of toddy therefrom :—

I. Tree-tapping licenses in the prescribed form shall be issued on the application—

(*a*) of licensed toddy shop-keepers or of their duly authorised agents;

(*b*) of toddy shop-keepers or renters in the Madras Presidency;

(*c*) of malnad land-holders free of the prescribed tree-tax for drawing toddy for *bona fide* domestic purpose as per Government Order No. Fl. 7473-83—S. R. 248-12-7, dated 11th June 1917.

(1) The maximum number of trees allowed to be tapped free of tax for *bona fide* domestic consumption such as bread-making, etc., will be as below :—

Coffee Planters ...	.. Three	...	(Annually).
Kan-holders ..	.... Two	...	Do
Hiduvalidars ...	.. One	...	Do

(2) Coffee planters may be allowed to open an estate shop subject to a minimum shop rent of Rs. 50 per annum.

(3) Kan-holders may also be allowed to open shops in their holding on the same terms, provided that they show to the satisfaction of the Deputy Commissioner that they have legitimate demand for such shops for the use of their coolies and dependents.

NOTE.—The estate or kan licensee is prohibited from selling toddy outside such estate or kan or to persons who live outside the same.

The licenses may be issued in the name of the applicant himself or of his nominee.

II. Application for the grant of tree-tapping licenses must be made in the prescribed form to the Excise Inspector of the Range concerned through the local treasury. Forms may be obtained from him or the Assistant Inspector under him. Applicants must first pay the first instalment of tree-tax together with the tree-rent on Government trees due on account of the trees which they desire to tap.

III. The tree-tax on toddy produced by trees in the Madras Presidency, but consumed in the Mysore State, will be credited to the Mysore Government. The rate of tree-tax to be paid in such cases will invariably be the highest in force on either side of the frontier. The rates of tree-tax payable for trees licensed in British territory are liable to be changed during the course of the lease at the discretion of the Government of Madras. Tree-tax on trees in the Madras Presidency for which tapping licenses are about to be taken out by Mysore shop-keepers must be paid in one instalment to the Amildar of the taluk concerned in the Mysore State, who will grant a receipt in the prescribed chellan form and certify at the foot that the applicant is a person entitled to take out tree-tapping licenses. The applicant will then make his application to British authorities in accordance with the Madras Government Tree-tapping rules; and will obtain a transport permit from the Inspector concerned in the Mysore State, for the transport of the toddy drawn from the frontier to the shop or depot for which it is intended, after having complied with all requirements of the Madras Government rules. The British and the Mysore Governments reserve to themselves the right to impose in addition to the tree-tax, a rent for the use of trees belonging to them, the same when imposed being payable by British and Mysore licensees alike. The arrangements agreed to by the Madras and Mysore Governments with regard to the issue of the licenses for tapping trees in either territory on the application of shop-keepers in the other do not prevent the reservation of trees in any specified area, in the Madras Presidency or in Mysore State, with a view to afford rest thereto or for other sufficient reason and the mere payment of tree-tax into the British or the Mysore treasury does not entitle an applicant to tapping licenses for trees so reserved.

IV. Applications for tree-tapping licenses for trees in occupied or alienated lands should be countersigned by the owner of the trees intended to be marked in token of his consent to the trees being tapped and to holding himself liable for the tree-tax in case the license holder fails to pay it and such countersignature shall, in the case of illiterate owners be attested by the patel or shanbhog of the village in which the trees stand. Applications for tree-tapping licenses for trees in the State Forest and plantations should be countersigned by the Forest Range Officer in token of his consent.

V. On receipt of an application, the Inspector will at once take steps for the marking of the tree by an officer superior in rank to a Sub-Inspector or in special cases by an officer not inferior in rank to a Sub-Inspector and for the timely issue of the license and transport permits as detailed in the T. T. Rules. Applicants for date trees shall get the requisite space on their stems prepared and point out to the marking officer, when required by the latter to do so, the trees applied for by them. Should they fail to do so, after reasonable notice, the tree-tax and tree-rent paid by them shall be liable to be forfeited at Deputy Commissioner's discretion.

VI. No trees shall be tapped, nor shall toddy be drawn from any toddy tree, nor shall any pot be attached to any toddy tree until the tree has been marked by the proper officer. But the removal of leaves for the purpose of making incisions and the preparation of the spathes or spaces for the drawing of toddy is permitted as soon as the application in the prescribed form has been delivered to the treasury concerned.

VII. For date trees, tapping licenses and transport permits shall ordinarily be issued for four months; but in special cases the Deputy Commissioners may grant such extension of time as is necessary provided that the period of the license does not exceed six months including extensions. In no case, however, shall the period of the license extend beyond the close of the lease. For cocoanut trees, tree-tapping licenses shall be half-yearly, that is, they shall be in force from 1st July or any subsequent date to 31st December immediately following and from 1st January or any subsequent date to 30th June immediately following. In the case of other kinds of toddy-yielding trees, the period shall be annual.

For the convenience of licensees, applications for tree-tapping licenses will be received trees will be marked and licenses will be issued during the fifteen days previous to 1st July, but pots shall not be attached before the evening of 23rd June.

VIII. Between sunset and sunrise no toddy shall be drawn or kept by a person holding a license under these rules in the garden or field in which stand the trees which he is licensed to tap. The Excise Commissioner may relax the restriction in any local area on sufficient cause being shown. This will not apply to toddy contained in the pots attached to the spathes of the trees.

IX. The tax payable on each kind of toddy-yielding tree and its time of payment shall be such as may from time to time be prescribed by Government.

X. The tree-tax shall be payable in the following instalments, unless the Excise Commissioner shall otherwise direct. In the case of Bagani trees full amount of tree-tax should be paid in one instalment only when presenting the application:—

Period within which license is applied for	Proportion of tree tax to be paid at the time of application for license	Proportion of tree-tax to be paid on the 20th of the second month
Between 1st July and end of February ...	One-half ...	The remaining half
Between the 1st March and 30th June ...	The whole ..	.....

SECTION VI.

CONDITIONS APPLICABLE TO GANJA LICENSES.

1. The privilege conferred extends only to the sale of ganja, bhang and other intoxicating drugs prepared from the hemp plant but the privilege shall not extend to the manufacture or sale of ganja or bhang in the form of beedies or cigarettes or sale of ganja or bhang mixed with tobacco in any from for the purposes of smoking or chewing.

2. Ganja, bhang or other preparation and admixtures of ganja (except halva, which may be made from the powder on the retail vendor's hand under authority of the Inspector

for sale to the public and on the responsibility and at the risk of the vendor), shall be purchased from the Government only and shall be covered by a permit in the prescribed form.

3. Licensees desiring to purchase ganja must pay such duty and cost price of the drug as may be prescribed from time to time into the treasury of the taluk in which their shop is situated and obtain a receipt in the prescribed printed form. On production of such receipt the taluk treasury shall issue the quantity of ganja equal to the amount of duty and price shown in the said receipt, along with a permit in the prescribed form for the transport of the same.

4. The licensee shall sell ganja at such rates as may be prescribed by Government from time to time.

5. The licensee shall not sell to any person more than three tolas of ganja during one day on any pretence whatever.

6. The consumption of ganja in the shop or the selling of the same to persons keeping ganjakhanas or such secret places where people congregate to smoke or partake of ganja is prohibited.

7. During the closing month of the lease (June), no licensee shall apply for more ganja than is necessary to meet the legitimate requirements of the remaining days of the lease. Every indent for ganja in June either to the Central Store House Officer (Distillery Officer, Bangalore) or to a taluk treasury shall be sent through the Inspector of the Range concerned, who may, at his discretion, refuse to pass it in full and may pass for supply only such quantity as he considers reasonable.

8. Licensees are prohibited from breaking up the pressed ganja kept for sale in their shops, except in small quantities not exceeding the average daily sales in their shops. No licensee shall destroy the seeds or any part of his stock of ganja. The seeds, if separated from the stock, as well as any part of the stock which the licensee desires to destroy should be carefully preserved for examination and destruction by an Inspecting Officer.

9. If any ganja license is used as a cloak for illicit sales or if the licensee knowingly sells ganja to a ganja smuggler or if the Deputy Commissioner has reason to suspect that the licensee is guilty of any offence of that nature, he may after recording his reasons, forthwith cancel the license and resell or otherwise dispose of the privilege at the risk of the licensee. The rent for the whole lease shall become due at once when a license is cancelled under this condition.

10. The Deputy Commissioner may order a licensee at any time during the currency of his lease to raise the rate at which he sells ganja if such rate is below that which may be reasonably expected to cover its cost, the rentals paid and incidental expenses.

11. No licensee shall keep a greater quantity of ganja or other intoxicating drugs prepared from the hemp plant than may be fixed by the Deputy Commissioner. The Deputy Commissioner may, with the previous approval of the Excise Commissioner by notification at the time of auction sales impose a maximum limit on the quantity to be sold under a license and the Excise Commissioner may, at any time during the currency of the lease, if he finds that the issues to a shop are abnormally high restrict further issues unless good reason is shown by the licensee.

SECTION VII.

CONDITIONS APPLICABLE TO OPIUM LICENSES.

1. The licensee shall be bound by the rules prescribed under the Opium Act now in force, or such other law as may hereafter be enacted in the notifications of Government and of the Excise Commissioner and any additional, general or special rules which may from time to time be notified.

2. The privilege conferred extends only (*a*) to the retail sale of opium in ordinary shops and (*b*) to the manufacture and retail sale of intoxicating preparations made from opium or poppy other than morphia or preparations for smoking, in shops duly sanctioned.

3. Licensee shall obtain his supply of opium from any taluk or district treasury in entire cakes of twenty or forty tolas (more or less) at a time at such rate as may be notified by Government from time to time. The purchase shall be covered by permit in the prescribed form. During the closing month of the lease (June) the licensee may not apply for more opium than is necessary to meet legitimate requirements of the remaining days of the lease. Every indent for opium in June will be carefully scrutinized by the Officer in charge of the taluk treasury who may at his discretion refuse to comply with it, in full and may issue such quantity as he considers reasonable. The Range Inspector may be consulted in the matter.

4. No opium other than that obtained in the manner specified above shall be sold, received or possessed by shop-keepers. Nor shall any items of food or drink be vended in any retail opium shop.

5. The licensee shall not sell opium to the public at a price lower than the minimum retail rate that may be fixed by Government from time to time.

6. The licensee shall not sell at one time to any person more than one tola of opium or admixtures of opium. The licensee is prohibited from breaking up the pressed opium cakes kept for sale in his shop except in quantities not exceeding the average daily sales in the shops.

7. The licensee shall keep at any one time no greater quantity of opium or intoxicating drugs other than morphia or preparations for smoking than may be fixed by the Deputy Commissioner at the time of granting the license. The Deputy Commissioner with the previous approval of the Excise Commissioner by notification at the time of auction sales, impose a maximum limit on the quantity to be sold under a license and the Excise Commissioner, may, at any time during the currency of the lease, if he finds that the issues to a shop are abnormally high, restrict further issues unless good reason is shown by the licensee.

8. The Deputy Commissioner may order a licensee at any time during the currency of his lease, to raise the rate at which he sells opium if such rate is below that which may be reasonably expected to cover the cost of opium, the rentals paid and incidental expenses.

9. The smoking or consumption of opium or its preparations in any form in premises licensed for sale and the sale of morphia or preparations from smoking are prohibited.

10. If this license is used as a cloak for illicit sales or if the licensee knowingly sells opium to an opium smuggler or if the Deputy Commissioner has reason to suspect that the licensee is guilty of any of these offences, he may, after recording his reasons, forthwith cancel the license and resell or otherwise dispose of the privilege at the risk of the licensee. The rent for the whole lease shall become due at once, when a license is cancelled under the condition.

11. Private persons are permitted to manufacture intoxicating drugs and smoking preparations for their own use only, provided they do not exceed the limit for possession.

By Order,

B. SRINIVASA IYENGAR,

Secretary to Government,

Financial Department.